

REMARKS

Applicants reply to the Office Action dated June 12, 2009, within the shortened three month statutory period for reply. Claims 1-12 were pending in the application and the Examiner rejects claims 1-12. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by the amendments. Reconsideration of this application is respectfully requested.

The Examiner objects to Figures 9-17 and requests that Figures 9-17 be labeled with "Prior Art", per MPEP 608.02(g). Applicants submit Replacement Sheets, as requested by the Examiner.

The Examiner objects to the title and requests that a new title be provided. Applicants submit an Amended Title.

The Examiner rejects claims 1-12 under 35 USC 102(b) as being anticipated by Imaoka et al, EP 0 634 748 A2. Applicants respectfully disagree with this rejection, but Applicants amend certain claims to expedite prosecution and to clarify the patentable features.

Independent claims 1 and 7 similarly recite at least the technical feature of "...each of the at least two eaves sections, which are located spaced apart from each other by the predetermined distance, of the plurality of eaves sections, has a width along a direction in which the shutter member is operable to slide, . . . the width is greater than the predetermined distance..." (emphasis added). Support for the above amendment can be found at, for example, page 23, lines 28-33.

Applicants assert that Imaoka does not disclose or contemplate the aforementioned features. In particular, according to Imaoka Figures 1, 2 and 3, Imaoka discloses only eaves having a width that is less than the distance separating the eaves. Furthermore, Imaoka only teaches of eaves "spaced apart from each other by about the width of the sliding shutter" (col. 11, lines 24-25, Imaoka), wherein the shutter size is approximately a third of the width of the disk cartridge (col. 11, lines 20-23, Imaoka). Therefore, in order for Imaoka to even suggest the technical feature of amended claim 1, Imaoka would need to teach of a disk cartridge precluding the embodiment of more than two eaves, and furthermore the width of the eaves in Imaoka would need to be larger than a third of the width of the disk cartridge, neither of which are disclosed or contemplated. Therefore, Applicants assert that Imaoka teaches away from the recited limitation of the claimed invention.

Advantageously, in view of the stability of the sliding operation of the shutter member, according to a structure characterized with the aforementioned limitation, the engagement relationship between the eaves section and the eaves engagement section can be maintained - even if the shutter is in the open state of the claimed invention (e.g., page 24, lines 1-5). In addition, it is also possible to

restrict the separation of the eaves engagement section from the lower case section (e.g., page 24, lines 5-10).

As is noted on for example page 33, lines 5-6, the eaves are as small as possible in one embodiment so as to reduce the size of the openings, which allow entry of foreign substances into the disk cartridge. By maintaining the relationship between the width of the eaves and the distance between the eaves, this configuration eliminates the risk of foreign substances entering the disk cartridge through the opening (e.g., page 33, lines 27-32). As a result, it is possible to guarantee the high reliability in recording and/or reproduction for the information medium having information layers on both sides.

Additionally, independent claims 1 and 7 similarly recite the technical features of: "... a surface of the connection portion and a surface of the lower case section form the same surface... a pair of lateral sidewalls connected to the sliding sidewall and the rear sidewall..." Support for this feature can be found at, for example, page 22, lines 27-28 and page 4, lines 12-13.

Applicants assert that Imaoka does not disclose or contemplate any of the abovementioned features. Applicants assert that one of the features in amended claims 1 and 7 is not that the lower case and the connection portion (formed on the upper case) share a surface; rather, they form a common surface.

As clearly shown in Figures 13a and 13b, the connecting portion 507 is formed integrally with the upper case portion 505. Imaoka is limited to a lower case section (front portion), and an upper case section (rear portion) attached by means of butt-joining (col. 1, line 21, Imaoka). In contrast, the claimed invention relates to a case member whereby the upper case section and lower case section are attached by means of "thermal fusion or the like" (e.g., page 14, lines 1-4), hence the upper case section and lower section are integrally formed (e.g., page 25, lines 1-2) and necessarily form the same surface. Applicants assert that, as the structure defined in Imaoka is formed from two components (a front and rear portion), they may adhere to one another, but certainly do not form the same surface.

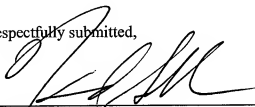
Additionally, Applicants assert that Imaoka does not describe lateral sidewalls being formed as part of the upper case section; rather, it can be seen that the sidewalls (11) of Imaoka are formed as part of the lower case half 2 (col.9 lines 47-50, Imaoka).

The claimed configuration provides an advantageous manufacturable product with less parts, and therefore, higher production yield, reduced cost and resistance to breakdown.

Claims 2-6 and 8-12 variously depend from independent claims 1 and 7. Applicants assert that claims 2-6 and 8-12 are differentiated from the cited reference for the same reasons as set forth above, in addition to their own respective features.

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as its invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,



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